

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
APRIL 17, 2018**

Planning Board Chairperson Lori Gee called the meeting to order. Members present were Michael O'Brien, John Cutler, Craig Smith, Steve Caswell, and John Eickman. Jason Paraskeva was absent and Alternate Member Ed Miyoshi acted for him.

Town Consultants present were: Michelle Robbins, Planner AICP and Scott Bryant, Town Engineer.

Pam Baier, Planning Board Clerk, and Kathleen Mahodil, Meeting Secretary, were also present.

CHAIRPERSON COMMENTS

Ms. Gee began the meeting with the Pledge of Allegiance.

She announced that Planning Board had moved to a one meeting per month agenda. However, based on how some of the projects are coming in, she said an additional Planning Board meeting was scheduled for Tuesday, May 1st, 2018.

Accordingly, the Upcoming Meeting Dates are: May 1st and May 15, 2018.

APPROVAL OF MINUTES OF MEETING HELD FEBRUARY 20, 2018. The Approval was held over to a future meeting.

EXTENSION OF FINAL APPROVAL

Grape Hollow, 12 lots, Grape Hollow Road. (Final granted 7/19/11, Revised Resolution, 12/4/12, 1 year extensions granted 11/19/13, 11/18/14, 10/6/15, 6 month extension granted 10/4/16, 1 year extension granted 4/18/17).

Brian Stokosa was present.

1 Mr. Stokosa said nothing had changed with the project, the approvals all remain, and he is
2 looking for a one-year extension. The last time this was before the Board, he said a
3 comprehensive analysis was done for the project. With the zoning changes and stormwater
4 changes, there are still 10 lots. Ms. Gee asked Ms. Robbins if there were any new laws, such as
5 wetlands or zoning, based on the analysis the applicant did a year ago and asked if there were no
6 additional studies to be done. Ms. Robbins confirmed no.

7
8 Ms. Gee asked Mr. Stokosa where he was with finishing the Conditions of Approval and he
9 replied that, in dialogue with the applicant, he still wants to hold off the construction. Ms. Gee
10 asked if all the Conditions had been met or, were they all met and was he just waiting for the
11 moment to start. Mr. Stokosa replied that he would have to check the file and he thinks there are
12 a couple of attorney obligations to take care of. He knows the easements were drafted,
13 descriptions were made, and he thinks the descriptions were approved. The Permit is still in
14 place, as well as the Board of Health. He said the Board of Health never signed the Plan, but
15 issued a letter stating that there was verbal approval and, once the Plan is initialed is when the
16 clock starts. Mr. Bryant asked, if the map isn't signed, was the recreation fee paid yet. Mr.
17 Stokosa replied that yes, the Recreation Fees have been paid.

18
19 Mr. Bryant said if there is going to be an Extension then there needs to be a discussion about rec
20 fees, and any approval would be subject to whatever the fees would be in the future. Ms. Gee
21 asked Ms. Baier if the fees had been paid and she replied that she was pretty sure they were.

22 Mr. Stokosa said this is one where Final Approval was received, there was the DEC Permit and
23 SHIPPO and he thinks 11 were originally paid for and they had to get a refund.

24
25 MOTION made by Michael O'Brien, seconded by Craig Smith, for a 1 Year Extension of
26 Final Approval for Grape Hollow. Voted and carried unanimously.

1 **SKETCH PLAN**

2 *Master Architectural Site Plan, Donovan Drive.*

3 Matt Day and Mark A. Day of M.A. Day Engineering and Lulzim Gashi, Applicant, were
4 present.

5
6 Ms. Gee said this is a Sketch Plan review and not a Full application yet.

7
8 Matt Day introduced himself, saying this is a 1.96 acre lot on Donovan Drive. The applicant, Mr.
9 Lulzim Gashi, is the contract vendee of the property and wishes to construct a 100'x100'
10 proposed building, 10,000 SF, which is proposed to be used as a machine shop. Ms. Gee asked
11 what he meant by a machine shop. Mr. Day replied that the applicant wished to fabricate
12 ornamental iron. Ms. Gee asked if it was cutting and welding, smelting. Mark Day came to the
13 podium, saying that it was ornamental iron and glasswork. He said the Board may remember the
14 project years ago as AFI/Hudson Valley Glass that was approved for the adjacent parcel - but
15 never constructed. He said this is the parcel next to it. Ms. Gee asked if it was cutting and
16 melting and Mark Day replied that it is cutting and welding, fabricating wrought iron gates, and
17 awning.

18
19 Matt Day spoke that 17 parking spaces are proposed and, per the Code, this ended up to be a
20 larger proposed building footprint than the required amount of employees' required parking
21 spaces. He said the applicant is also proposing an entrance off of Donovan Drive and he is before
22 the Board to get their thoughts on the project.

23
24 Ms. Gee asked Ms. Robbins for a description of what the applicant is doing and said she knew
25 the Board was trying to determine if this was a permitted use for the zone. Ms. Robbins told Mr.
26 Day that the Zoning Code is big in the way that the uses are described. She explained that there is

1 an I-1 Zone and an I-2 Zone. In the I-2, metal fabricating is allowed, and in an I-1 Zone, a
2 machine shop is allowed, which makes it confusing. She asked Mr. Day for a narrative describing
3 exactly what would they would be doing there so she can understand fully what the different uses
4 are. She said she could then match it up with the Code a little better, as it is a little conflicting.
5 She said it was more like sheet metal by the description, but once the narrative is provided to her,
6 she can fit this in if it matches the Code. She noted that there is a drainage discharge on the
7 property that is visible in the aerial; it can be seen. She said this needs to be delineated so it can
8 be understood if this will meet any jurisdictional requirements for the DEC or if it is Army Corps
9 regulated or stream. Mr. Bryant asked if there was a particular reason why this was not shown on
10 the plan. Mark Day said it was the same plan that was used for Hudson Valley Glass and that is
11 why it was not on there. Mr. O'Brien asked if this was a stream that was created up above the
12 site; it is not on the map but is in photographs. Mark Day pointed out the topography on the
13 displayed plan, saying that the water sheets down. On the Hudson Valley Glass application, he
14 said the proposal was for drainage of the water picked up from the upland, and to take it around
15 both parcels. Ms. Gee said that the higher ground was not on this parcel and asked how it would
16 be picked up. Mark Day showed on the plan how it would be picked up and go all around, and he
17 said it is the same grading plan as the other project. Mr. Bryant asked if the grading plan goes
18 onto the adjoining lot and Mark Day replied yes. He said they are purchasing this and there will
19 be an agreement for it.

20
21 Ms. Gee asked Ms. Robbins the steps, if the proposal is to reroute this small watercourse that is
22 not classified as a stream. Ms. Robbins said that first it needs to be found out if any of the
23 agencies will take jurisdiction over it and whether or not a permit is needed so he can be allowed
24 to do that. She said it would be determined if it is a DEC wetland, a wetland or stream and it is
25 not currently showing as a DEC map stream, but that does not necessarily mean anything. She
26 said if they take jurisdiction over it, then, typically, they are not allowed to touch the water at all.

1 The banks are also regulated, depending on the classification of the stream, which may
2 necessitate them redesigning things. If it is not a DEC stream, she said it would still be regulated
3 by the Town wetland Code and, possibly by the Army Corps of Engineers. She would like to wait
4 for the wetland report to see where this is at, and then a determination can be made. She asked
5 the Days if it was known to always be wet there, or was it seasonal. Mark Day replied that, when
6 Hudson Valley Glass was being done, it seemed to be intermittent, and deep tests were actually
7 done. He said if one goes to the site, it can be seen t hat the water sheets off the back property.

8
9 Ms. Robbins said she will look at the soils, the vegetation, and she will be able to determine if
10 this is a wetland or it is more like a seasonal, intermittent stream, and that may determine
11 whether or not the DEC takes jurisdiction over it. Ms. Gee asked, if they do not, then can it just
12 be done with rerouting. Ms. Robbins replied that then it would become more of a stormwater
13 drainage issue and there is the engineering. Ultimately it would have to be looked at and it has to
14 be decided if the Board has to ask them to look at alternative locations for the building and it is
15 not known if there is an alternate location, but they would need to design, or redesign around it.
16 Ms. Gee said the location on the aerial looks like it cuts through the parking or the building. Ms.
17 Robbins said the septic is also in it, which could potentially be a problem.

18
19 Mr. O'Brien said it was not on the topo maps and it is a new flow, one way or another, He asked
20 how long it would have to be there and established before it becomes a DEC stormwater. Ms.
21 Robbins said there is criteria that the DEC and Army Corps uses to determine a wetland and
22 there has to be 3 things present: wetland vegetation, wetland soils and hydrology. She said that,
23 obviously the hydrology is there because there is water, whether or not the soils are classified as
24 wetland soils will need to be determined and soil samples taken, they will look at the soil and
25 look at the plants already there, and this probably won't be delineated for at least a few weeks
26 because the vegetation is really late this year. She said they would need to wait to make the

1 determination being there is not the vegetation there. Once that is done, she said the 3 criteria are
2 looked at to determine if this is wetlands or, potentially, drainage or a stream. Depending on the
3 amount of time it flows, she said that it depends on whether it is wet 6 months of the year - or 3
4 months of the year.

5
6 Ms. Robbins asked Matt Day to provide the hours of operation in the narrative, as well as the
7 number of employees, anticipated vehicle trips, truck trips, if any, per day or month. Mr. O'Brien
8 asked if the public would be coming to this site. Ms. Robbins asked if it was a showroom, or was
9 there never any public parking. She added that the building will require ARB approval, and a
10 lighting and landscaping plan will be required.

11
12 Ms. Gee said that there are 17 parking spaces proposed and asked the number of employees. Mr.
13 Gashi stated that there would be 10-15. Ms. Robbins asked that the narrative provide a
14 description of what would be done, such as welding, and to state the type of equipment that will
15 be used. Mr. Bryant said it would be equipment, and/or fluids such as oil, fluids that need to be
16 properly managed, cleaning solvents. Ms. Robbins confirmed with Mr. Gashi that there will be a
17 painting booth.

18
19 Ms. Gee asked if ADA spaces were provided and Matt Day said yes, there are 2 of them. Ms.
20 Gee asked that he point to the spaces on the plan, as they relate to the building, and confirmed
21 they are adjacent to the entrance. She said there are up to 15 employees and 17 parking spaces
22 proposed. She asked if there would be visitors as the parking seems light, based on the number of
23 employees. Mark Day said they could land bank some spaces and Ms. Gee said that would be
24 fine. She just wants to be sure that people are not parking on the grass or on the road. Mark Day
25 said a lot of the employees do not stay; they just park and leave. Ms. Gee asked if there were
26 trucks on site to deliver and Mr. Gashi said yes. Ms. Gee said the Board needs an understanding

1 of just how many vehicles would be on site and she is assuming there would be special trucks for
2 deliveries if they are transporting, and people would not put the items in cars. Mark Day said the
3 trucks will be in the back and there are overhead doors. Mr. O'Brien said a truck carries a wide
4 range and asked the type. Mr. Gashi, said they are about 20 FT. Mr. O'Brien said then it is not
5 quite a box tuck. Mark Day relayed what Mr. Gashi said, that they are small, F150 trucks, bigger
6 than vans, and Mr. Day wanted it made clear that they are not tractor trailer trucks.

7
8 Ms. Robbins asked the height of the building and Mark Day replied that it is about 22 ft. eve
9 height.

10
11 Looking to Ms. Robbins, Ms. Gee said, knowing the use has not yet been settled on, asked if the
12 parking looked correct for the size of the building, versus the use. Ms. Robbins replied that the
13 requirement for a metal fabrication center and square footage of the building was not very high,
14 based on industrial use. In this case, she said, they have shown parking according to the number
15 of employees, rather than the square footage of the building, which is appropriate and what
16 would determine the amount actually needed. When the site plan is flushed out a little more she
17 said the loading areas need to be understood. Ms. Gee said, absolutely, for both the finished
18 product and raw material coming in.

19
20 Ms. Robbins said there was nothing more on her end, but she was reviewing the comments from
21 Morris Associates, there is a question about whether security fencing would be installed on the
22 property and Mr. Gashi said yes. Ms. Gee asked if an interior floor plan was needed or was this
23 going to be mostly open space. Mark Day replied that it should be open space. Ms. Gee said then
24 there is no office space.

1 Mr. Bryant commented that currently on the application it states .98 acres of disturbance and, as
2 this gets further along, they will need to see if it goes over the 1 acre threshold.

3
4 As Board members were looking at the property, Ms. Gee said the aerial shows a stream running
5 through the middle of the property.

6
7 Neither the Town professionals, Board Members, nor the Applicant or Engineer had any further
8 questions.

9
10 **DISCUSSION:**

11 *Copart Conceptual Site Plan, Donovan Drive*

12
13 Ms. Gee announced that the Applicant's attorney asked that this Discussion be withdrawn this
14 evening and that it will be put back on a future agenda, which will be posted on the Planning
15 Board website for Discussion.

16
17 **REFERRAL FROM TOWN PLANNER:**

18 *1020 LLC Proposed Fence, Route 82.*

19 Michelle Robbins, Planner AICP spoke.

20
21 Ms. Robbins said that this is property on Route 82, with a house in the front, and a business in
22 the rear of the property. The Applicant is asking to put a 4 FT fence surrounding the property
23 from one side yard, across the driveway to the other side yard and back to the rear. The fence
24 would basically surround the business. Ms. Robbins believes that, at this point, it will be a vinyl
25 fence and, because it is a 4 FT fence, it is basically allowed. Because there is a site plan and
26 commercial use on it, and a B-1 district, she said it technically requires a site plan amendment.

1 She said it is such a minor request, and, if the Board agrees, she said the Board could do it as a
2 minor site plan amendment.

3
4 Mr. Bryant said to verify that it does not impact sight distance. Ms. Robbins said there was a
5 drawing and, initially, it was close to the road. It has been moved back quite a bit and she said it
6 is about 2 1/2 car lengths between where the gate would be, crossing the driveway, and the road
7 way at this point. Ms. Gee asked Mr. Bryant if he was ok with this and he replied that if it is 2 car
8 lengths it will be fine.

9
10 **MOTION** made by John Eichman, seconded by Michael O'Brien, to approve a 4 FT
11 fence for the 1020 LLC property on Route 82, subject to insuring it is at least 2 car
12 lengths back. Voted and carried unanimously.
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14

15
16 **ADJOURNMENT**

17
18 **MOTION made by John Eichman, seconded by John Cutler, to adjourn the**
19 **Planning Board meeting. Voted and carried unanimously.**

20
21 Respectfully submitted:

22
23 _____
24 Kathleen Mahodil, Meeting Secretary
25 East Fishkill Planning Board